

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States of America

v.

Felipe CLARKE Jr

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Case No.

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 20, 2019 in the county of Webb in the
Southern District of Texas, the defendant(s) violated:*Code Section**Offense Description*

8 U.S.C. 1324

Knowing and in reckless disregard of the fact that an alien had come to, entered, and remained in the United States in violation of law, did transport and move and attempted to transport and move and conspired to transport and move such alien within the United States by means of transportation and otherwise in furtherance of such violation of law.

This criminal complaint is based on these facts:

See Attached Affidavit

☒ Continued on the attached sheet.

/s/ Kevin McGuigan*Complainant's signature*

Kevin McGuigan HSI Special Agent*Printed name and title*

Sworn to before me and signed in my presence.

Date: 12/23/2019

*Judge's signature*City and state: Laredo, TX

Sam Sheldon U.S. Magistrate Judge*Printed name and title*

Attachment "A"

On December 20, 2019, Border Patrol Agents (BPAs) assigned to Laredo North Border Patrol Checkpoint 29 located in Webb County on IH-35 north of Laredo, Texas encountered the driver of a white tractor trailer at primary inspection. As the tractor trailer approached inspection, BPAs observed the tractor trailer jumped several times while shifting gears, indicating an inexperienced driver. The tractor trailer had a paper temporary tag. The driver, later identified as Felipe CLARKE Jr. (CLARKE), appeared nervous, was avoiding eye contact with the BPA at primary inspection. When BPAs looked inside the cab of the tractor, they observed it was bare, which based on BPAs training and experience is unusual and inconsistent for commercial truck drivers. BPAs asked CLARKE if he would consent to a Vehicle And Cargo Inspection System (VACIS) scan, to which CLARKE responded by nodding his head in an affirmative manner and proceeded to drive to the VACIS inspection area.

A VACIS scan of the trailer revealed anomalies consistent with human bodies concealed inside. The doors of the trailer were opened, and BPAs discovered thirty-nine (39) people inside with no means of escape. BPAs conducted immigration inspections on all thirty-nine (39) people discovered inside the trailer and it was determined that all of the people were illegally present in the U.S.

CLARKE and all thirty-nine (39) of the illegal aliens (IAs) were taken to the C-29 processing and holding area for further questioning. HSI SAs responded and conducted interviews of the subjects involved in this human smuggling event.

An HSI SA advised CLARKE of his Miranda Rights in the English language to which he acknowledged and waived verbally and through writing and agreed to speak to the SA without an attorney present.

CLARKE stated he agreed with an unidentified human smuggler in Texas to drive the tractor trailer north of Laredo, destined for Dallas, Texas for financial gain. CLARKE stated he was caught transporting three (3) IAs by BPAs approximately one week ago in Laredo, Texas.

Material witnesses Fermin BARRIENTOS-Perez, Giovany GUTIERREZ-Gutierrez and Guillermo Abad MARTINEZ-Pacheco stated they are citizens of Mexico, and that they have paid various sums of money to be transported into the United States and on to their final destinations at various locations throughout the United States.